IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 272 of 2010
IN
Cr. Appeal (D.B.) No. 476 of 2006

Mahesh Mandal..... Appellant

Versus

State of Jharkhand ..... Respondent

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CORAM: HON'BLE MR. JUSTICE D.N. PATEL
HON'BLE MR. JUSTICE R.R. PRASAD

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For the Appellant : Mr. N.P.Choudhary, Advocate
For the State : Mr. APP

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5/20th of June, 2013

Oral Order :
Per D.N. Patel, J.

1. The present interlocutory application has been preferred under Section 389 of the Code of Criminal Procedure for suspension of sentence, during pendency of this appeal, awarded to this appellant, who is original accused no. 1 of Sessions Case No. 120 of 2003, whereby this appellant has been convicted mainly for the offence punishable under Section 302 of the Indian Penal Code for life imprisonment by the learned Sessions Judge, Sahibganj vide order dated 28th/29th March 2006.

2. We have perused the records and heard the counsel for both the sides at length.

3. Looking to the evidences on record, there is a prima facie case against this appellant. The case of the prosecution is mainly based upon the depositions of the eye-witnesses, who are P.Ws.1, 2, 3 and 4. Looking to their evidences as a whole, there is a prima facie, case against this appellant.

4. Counsel for the appellant argued the case at length but he submitted that all the arguments may not be dealt with. Hence we are not discussing the evidence in detail.

5. Looking to the gravity of the offence, quantum of punishment and the manner in which the present appellant is involved in the offence as

alleged by the prosecution, we are not inclined to suspend the sentence awarded to this appellant by the trial court.

6. Nonetheless, looking to the period of custody, we hereby direct the Registry of this Court to enlist this criminal appeal bearing Cr. Appeal (DB) No. 476 of 2006 on the board of final hearing as per its seriatim, looking to the period of custody of this appellant.

7. This interlocutory application (I.A. No. 272/2010) is dismissed with the aforesaid directions.

(D.N. Patel, J.)

(R.R. Prasad, J.)

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